

135



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shinichiro Abe

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08/17/2004

MORGAN LEWIS & BOCKIUS LLP  
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EXAMINER

PATEL, GAUTAM

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/815,338

Applicant(s)

ABE ET AL.

Examiner

Gautam R. Patel

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 7-12 are pending for the examination.

### RCE STATUS

2. The request filed on 6-14-04 for Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application is acceptable and a RCE has been established. An action on the RCE follows.

### Drawings/Objection

3. The drawings are objected for following reasons:

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "an expander" and "a judging device" must be shown or the feature cancelled from the claim. **No new matter should be entered.**

Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must consist of following:

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment, and may be ***accompanied by a marked-up copy of one or more of the figures being amended, with annotations.*** Any replacement drawing sheet ***must be identified in the top margin as "Replacement Sheet"*** and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. ***Any marked-up (annotated) copy showing changes must be labeled "Annotated Marked-up Drawings" and accompany the replacement sheet in the amendment (e.g., as an appendix).***

Correction are required.

NOTE: It should be pointed put that NO description of the judging device has been given in the detailed specification at all. And it would have been difficult for one of

ordinary skill in the art to established any relationship from summary of the invention regarding so called judging device and other parts of the system

### **Claim Rejections - 35 U.S.C. § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 7-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Akiyama et al., US. patent 6,065,094 (hereafter Akiyama).

As to claim 7, Akiyama discloses the invention as claimed [see Figs. 1-6, especially 1, 3 and 5] including a reading device, a memory controller, an expander and a judging device, comprising:

a reading device [fig. 1, unit 5] for reading compressed information recorded on said recording medium [col. 6, line 59 to col. 7, line 23];

a memory controller [fig. 1, unit 3] for writing the compressed information read by said reading device into a memory, reading the compressed information written in said memory in the order of writing [col. 6, line 59 to col. 7, line 23];

an expander [fig.1, unit 1] for expanding the information read by said memory controller [col. 7, line 24 to col. 8, line 65]; and

a judging device [fig. 1, unit 1 & 5] for determining which of the plurality of compression methods is used as a compression method of the compressed information read by said reading device, wherein said memory controller starts to read the compressed information from said memory when an amount of the compressed information written into said memory reaches a first storage information amount corresponding to a compression method determined by the judging device [col. 7, line 24 to col. 8, line 65].

5. The aforementioned claim 8, recites the following elements, inter alia, disclosed in Akiyama:

the higher a compression rate of the compression method determined by the judging device is, the smaller the first storage information amount becomes [col. 7, line 24 to col. 8, line 65].

6. The aforementioned claim 9, recites the following elements, inter alia, disclosed in Akiyama:

the first storage information amount for each of the plurality of compression methods is set so that a time period reproduced by the first storage information amount [first threshold] is substantially the same for the information compressed by any of the plurality of compression methods [col. 7, line 24 to col. 8, line 65].

7. The aforementioned claim 10, recites the following elements, inter alia, disclosed in Akiyama:

said memory controller controls said reading device in a pause state of reading to stop writing the compressed information into said memory when an amount of the compressed information written into said memory reaches a full storage information amount of the memory, and controls said reading device in a reading state to restart to write the compressed information read by said reading device into said memory when an amount of the compressed information written into said memory decreases to a second storage information amount, which is larger than the first storage information amount, corresponding to a compression method determined by the judging device by reading the compressed information from said memory after reaching the full storage information amount [col. 7, line 24 to col. 8, line 65].

8. The aforementioned claim 11, recites the following elements, inter alia, disclosed in Akiyama:

Art Unit: 2655

the higher a compression rate of the compression method determined by the judging device is, the larger the second storage information amount becomes [col. 7, line 24 to col. 8, line 65].

9. The aforementioned claim 12, recites the following elements, inter alia, disclosed in Akiyama:

said expander expands the compressed information read by said memory controller by using an expansion method corresponding to a compression method determined by the judging device [col. 7, line 24 to col. 8, line 65].

10. Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new grounds of rejection. With respect claims 1-6 they are cancelled therefore arguments are moot. Typographical error was made with respect to claim 7 in last action, which is corrected.

#### **Other prior art cited**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Bergeon et al. (US. Patent 4,631,746) "Compression and expansion of digitized voice signals".
- b. Tanaka et al. (US. patent 5,611,018) "System for controlling voice ..".
- c. Saliba (US. patent 5,671,389) "Adaptive compression caching ..."

#### **Contact Information**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

Art Unit: 2655

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.

Gautam R. Patel  
Primary Examiner  
Group Art Unit 2655

August, 15, 2004



**GAUTAM R. PATEL**  
**PRIMARY EXAMINER**